

111TH CONGRESS
1ST SESSION

H. R. 441

To grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. REHBERG introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IMMUNITY FOR REPORTING SUSPICIOUS BE-**
4 **HAVIOR.**

5 (a) IN GENERAL.—Any person who, in good faith,
6 makes, or causes to be made, a voluntary disclosure of
7 any suspicious transaction, activity, or occurrence indi-

1 cating that an individual may be engaging, or preparing
2 to engage, in an action described in section 3 to any em-
3 ployee or agent of the Department of Homeland Security,
4 the Department of Transportation, or the Department of
5 Justice, any Federal, State, or local law enforcement offi-
6 cer, any transportation security officer, or any employee
7 or agent of a transportation system shall be immune from
8 civil liability to any person for such disclosure under any
9 Federal, State, or local law.

10 (b) FALSE DISCLOSURES.—Subsection (a) shall not
11 apply to any statement or disclosure that the person mak-
12 ing the statement or disclosure knows to be false at the
13 time it is made.

14 **SEC. 2. IMMUNITY FOR MITIGATION OF THREATS.**

15 Any person in receipt of a report described in section
16 1 who takes reasonable action to mitigate a suspicious ac-
17 tion described in section 3 shall be immune from civil li-
18 ability to any person for such action under any Federal,
19 State, or local law.

20 **SEC. 3. COVERED DISCLOSURES.**

21 The actions described in this section are possible or
22 attempted violations of law relating to—

23 (1) a threat to a transportation system or the
24 safety or security of its passengers; or

1 (2) an act of terrorism (as defined in section
2 3077 of title 18, United States Code) that involves,
3 or is directed against, a transportation system or its
4 passengers.

5 **SEC. 4. ATTORNEY FEES AND COSTS.**

6 Any person who is named as a defendant in a civil
7 lawsuit for making a voluntary disclosure described in sec-
8 tion 1 or for taking an action described in section 2, and
9 is found to be immune from civil liability under this Act,
10 shall be entitled to recover from the plaintiff all reasonable
11 costs and attorney fees allowed by the court in which the
12 lawsuit was decided.

13 **SEC. 5. EFFECTIVE DATE.**

14 This Act shall take effect on November 20, 2006, and
15 shall apply to all activities and claims occurring on or after
16 such date.

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